

DEPARTMENT OF JUSTICE

~~CIVIL RIGHTS DIVISION~~

Enforcement of Court Desegregation Orders

UNIVERSITY OF ALABAMA

United States v. Wallace -- 144-100-1-8

Appeals Section Files

Orders

6-5-63

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ALABAMA, WESTERN DIVISION

UNITED STATES OF AMERICA, |
 Plaintiff | CIVIL ACTION
vs. | NO. 63 - 255
GEORGE C. WALLACE, |
 Defendant |

218 FSJ 290

MEMORANDUM OPINION

The facts developed at the brief hearing before the court on June 3, 1963, when this action was submitted upon plaintiff's prayer for a temporary injunction may be concisely stated to highlight the emerging legal questions.

On July 1, 1955, Judge W. H. Grooms entered an order of this court in the case of Lucy, et al v. Adams (C.A. 652-W), permanently enjoining the Dean of Admissions of the University of Alabama from denying Negroes the right to enroll therein and pursue courses of study thereat solely on account of their race or color. In supplemental proceedings, upon application of Vivian J. Malone and certain other Negro citizens of Alabama, Judge Grooms, on May 16, 1963, entered an order determining that the court's order of July 1, 1955, was still in force and effect; that it was binding upon Hubert E. Mate, who succeeded William F. Adams as Dean of Admissions, and that Negroes with pending applications for enrollment in such University could apply to this court for enforcement of the order of July 1, 1955.

Thereafter, on May 21, 1963, Judge Grooms heard a motion filed on behalf of eleven members of the Board of Trustees of such University for leave to intervene in the case of Lucy, et al v. Adams, and to modify and suspend this court's order of July 1, 1955, as interpreted on May 16, 1963. In their motion, the members of the Board

appearing therein represented to the court that Vivian J. Malone and David W. McElathery, each a Negro citizen of the State of Alabama and an applicant for enrollment in the University, were qualified to be enrolled under the terms of the July 1, 1955, order, but requested that implementation be delayed because of the prevailing climate of racial unrest. On May 21, 1963, Judge Grooms allowed the intervention of such Trustees but denied their motion to modify and suspend the order of July 1, 1955.

The Honorable George C. Wallace, Governor of Alabama, referring to the May 21, 1963, order entered by Judge Grooms, has stated and reiterated publicly that he will be present to bar the entrance of any Negro who attempts to enroll in the University of Alabama. He has also pledged that law and order will be maintained.

Thoughtful people, if they can free themselves from tensions produced by established principles with which they violently disagree, must concede that the governor of a sovereign state has no authority to obstruct or prevent the execution of the lawful orders of a court of the United States. No legalistic formula is required to express the craving of honest, hard working, God fearing citizens for a moral order logically supported, an attitude long ago expressed when Coke informed King James that there was a law above the King.

In the final analysis, the concept of law and order, the very essence of a republican form of government, embraces the notion that when the judicial process of a state or federal court, acting within the sphere of its competence, has been exhausted and has resulted in a final judgment, all persons affected thereby are obliged to obey it.

More than three decades ago, Chief Justice Hughes, writing for a unanimous court, declared:

" . . . In particular, to the process of the federal court actually and properly engaged in examining and protecting an

asserted federal right, the Governor interposed the obstruction of his will, subverting the federal authority. The assertion that such action can be taken as conclusive proof of its own necessity and must be accepted as in itself due process of law has no support in the decisions of this Court."

Sterling v. Constantin, 287 U.S. 378, 402 (1932).

Immediately thereafter, 287 U.S. at page 403, he anticipated and disposed of the contention advanced in behalf of the defendant herein that this court is bound to stay its hand at least until defiant threats have ripened into actual subversion of federal authority by observin-:

"The argument of appellants intimates, while it reserves the question, that it may be possible for the courts to call upon the Governor, after the alleged emergency has passed, to account for what he has done, but that they may not entertain a proceeding for injunction. The suggestion confuses the question of judicial power with that of judicial remedy. If the matter is one of judicial cognizance, it is because of an alleged invasion of a right, and the judicial power necessarily extends to the granting of the relief found to be appropriate according to the circumstances of the case."

Too well settled in the law to admit of persuasive arguments to the contrary are the twin propositions that the courts of the United States have statutory authority under 28 U.S.C.A. §1651 as well as inherent power to enter such orders as may be necessary to effectuate their lawful decrees and to prevent interference with, and obstruction to, their implementation, and that the United States has standing to seek the injunctive relief for which it prays.

United States v. Mississippi, 7 Race Relations Law Reporter 1105 (5th Cir. 1962), cert. den. 372 U.S. 916 (1963);
Faubus v. United States, 254 F.2d 797 (8th Cir. 1958), cert. den. 358 U.S. 829;
Toledo Scale Co. v. Computing Scale Co., 267 U.S. 399;
Bullock v. United States, 265 F.2d 683, 691 (6th Cir. 1959);
Bush v. Orleans Parish School Board, 188 F.Supp.916 (E.D. La.), aff'd 365 U.S. 569, and sub nom. New Orleans v. Bush, 366 U.S.212;
Bush v. Orleans Parish School Board, 190 F. Supp. 861 (E.D. La.), aff'd 365 U.S. 569;

Bush v. Orleans Parish School Board, 191 W.Supp.871
(E.D. La.), aff'd sub. non. Legislature of
Louisiana v. United States, 367 U.S. 908;
Bush v. Orleans Parish School Board, 194 F.Supp.182
(E.D. La.), aff'd 368 U.S. 11.

It clearly appears that unless an injunction is issued pending submission of this action on the prayer for final relief in a trial on the merits, the plaintiff will suffer irreparable injury resulting from obstruction to the lawful orders of this court and the consequent impairment of the judicial process of the United States.

May it be forgiven if this court makes use of the personal pronoun for the first time in a written opinion. I love the people of Alabama. I know that many of both races are troubled and, like Jonah of old are "angry even unto death" as the result of distortions of affairs within this State, practiced in the name of sensationalism. My prayer is that all of our people, in keeping with our finest traditions, will join in the resolution that law and order will be maintained, both in Tuscaloosa and in Huntsville.

This the 5th day of June, 1963.

Seybourn H. Lynne .

JUDGE

IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN
DISTRICT OF ALABAMA, WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

vs.

GEORGE C. WALLACE,

Defendant

CIVIL ACTION

NO. 63 - 255

J U D G M E N T

In conformity with and pursuant to the memorandum opinion of the court contemporaneously filed herein, it is hereby ORDERED, ADJUDGED and DECREED by the court that George C. Wallace, together with his agents, employees, subordinates, successors and all persons in active concert or participation with them or any of them, be and they are hereby enjoined preliminarily pending the final determination of this action, from:

(a) Preventing, blocking or interfering with, by physically interposing his person or that of any other person under his direction or control, the entry of Vivian J. Malone to the campus or any part of the campus of the University of Alabama at Tuscaloosa, Alabama on June 10, 1963, or any day thereafter, for the purpose of enrollment as a student at the University of Alabama;

(b) Preventing, blocking or interfering with, by physically interposing his person or that of any other person under his direction or control, the entry of David M. McGlathery to the campus or any part of the campus of the University of Alabama Extension Center at Huntsville, Alabama on June 10, 1963, or

any day thereafter, for the purpose of enrollment as a student at the University of Alabama; and

(c) Preventing, or seeking to prevent, by any means, the enrollment or attendance at the University of Alabama of any person entitled to enroll in or attend the University pursuant to the order of this court of July 1, 1955 in the case of Lucy, et al v. Adams, Civil Action No. 652.

Done, this the 5th day of June, 1963.

Seybourn H. Lynne

JUDGE

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Enforcement of Court Desegregation Orders

UNIVERSITY OF ALABAMA

United States v. Wallace -- 144-100-1-8

Appeals Section Files

Proclamation of the President

IMMEDIATE RELEASE

June 11, 1963

Office of the White House Press Secretary

.....

THE WHITE HOUSE

**UNLAWFUL OBSTRUCTIONS OF JUSTICE AND
COMBINATIONS IN THE STATE OF ALABAMA**

.....

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS on June 5, 1963, the United States District Court for the Northern District of Alabama entered an order enjoining the Governor of the State of Alabama, together with all persons acting in concert with him, from blocking or interfering with the entry of certain qualified Negro students to the campuses of the University of Alabama at Tuscaloosa and Huntsville, Alabama, and from preventing or seeking to prevent by any means the enrollment or attendance at the University of Alabama of any person entitled to enroll in or attend the University pursuant to the order of the court of July 1, 1955, in the case of Lucy v. Adams; and

WHEREAS both before and after the entry of the order of June 5, 1963, the Governor of the State of Alabama has declared publicly that he intended to oppose and obstruct the orders of the United States District Court relating to the enrollment and attendance of Negro students at the University of Alabama and would, on June 11, 1963, block the entry of two such students to a part of the campus of the University of Alabama at Tuscaloosa; and

WHEREAS I have requested but have not received assurances that the Governor and forces under his command will abandon this proposed course of action in violation of the orders of the United States District Court and will enforce the laws of the United States in the State of Alabama; and

WHEREAS this unlawful obstruction and combination on the part of the Governor and others against the authority of the United States will, if carried out as threatened, make it impracticable to enforce the laws of the United States in the State of Alabama by the ordinary course of judicial proceedings; and

WHEREAS this unlawful combination opposes the execution of the laws of the United States and threatens to impede the course of justice under those laws: .

more

(over)

NOW, THEREFORE, I, JOHN F. KENNEDY, President of the United States of America, under and by virtue of the authority vested in me by the Constitution and statutes of the United States, including Chapter 15 of Title 10 of the United States Code, particularly sections 332, 333 and 334 thereof, do command the Governor of the State of Alabama and all other persons engaged or who may engage in unlawful obstructions of justice, assemblies, combinations, conspiracies or domestic violence in that State to cease and desist therefrom.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this eleventh day of June in the year of our Lord nineteen hundred and sixty-three, and of the Independence of the United States of America the one hundred and eighty-seventh.

JOHN F. KENNEDY

By the President:

DEAN RUSK

Secretary of State

DEPARTMENT OF JUSTICE

~~CIVIL RIGHTS DIVISION~~

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~~UNIVERSITY OF ALABAMA~~

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Appeals Section Files

Remarks of the President

JUNE 11, 1963

OFFICE OF THE WHITE HOUSE PRESS SECRETARY

THE WHITE HOUSE

REMARKS OF THE PRESIDENT
ON NATIONWIDE RADIO AND TELEVISION

Good evening my fellow citizens.

This afternoon, following a series of threats and defiant statements, the presence of Alabama National Guardsmen was required on the University of Alabama to carry out the final and unequivocal order of the United States District Court of the Northern District of Alabama. That order called for the admission of two clearly qualified young Alabama residents who happened to have been born Negro.

That they were admitted peacefully on the campus is due in good measure to the conduct of the students of the University of Alabama, who met their responsibilities in a constructive way.

I hope that every American, regardless of where he lives, will stop and examine his conscience about this and other related incidents. This Nation was founded by men of many nations and backgrounds. It was founded on the principle that all men are created equal, and that the rights of every man are diminished when the rights of one man are threatened.

Today we are committed to a worldwide struggle to promote and protect the rights of all who wish to be free, and when Americans are sent to Viet-Nam or West Berlin, we do not ask for whites only. It ought to be possible, therefore, for American students of any color to attend any public institution they select without having to be backed up by troops.

It ought to be possible for American consumers of any color to receive equal service in places of public accommodation, such as hotels and restaurants and theaters and retail stores, without being forced to resort to demonstrations in the street, and it ought to be possible for American citizens of any color to register and to vote in a free election without interference or fear of reprisal.

It ought to be possible, in short, for every American to enjoy the privileges of being American without regard to his race or his color. In short, every American ought to have the right to be treated as he would wish to be treated, as one would wish his children to be treated. But this is not the case.

The Negro baby born in America today, regardless of the section of the Nation in which he is born, has about one-half as much chance of completing a high school as a white baby born in the same place on the same day, one-third as much chance of completing college, one-third as much chance of becoming a professional man, twice as much chance of becoming unemployed, about one-seventh as much chance of earning \$10,000 a year, a life expectancy which is seven years shorter, and the prospects of earning only half as much.

MORE

(OVER)

This is not a sectional issue. Difficulties over segregation and discrimination exist in every city, in every State of the Union, producing in many cities a rising tide of discontent that threatens the public safety. Nor is this a partisan issue in a time of domestic crisis. Men of good will and generosity should be able to unite regardless of party or politics. This is not even a legal or legislative issue alone. It is better to settle these matters in the courts than on the streets, and new laws are needed at every level, but law alone cannot make men see right.

We are confronted primarily with a moral issue. It is as old as the scriptures and is as clear as the American Constitution.

The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities, whether we are going to treat our fellow Americans as we want to be treated. If an American, because his skin is dark, cannot eat lunch in a restaurant open to the public, if he cannot send his children to the best public school available, if he cannot vote for the public officials who represent him, if, in short, he cannot enjoy the full and free life which all of us want, then who among us would be content to have the color of his skin changed and stand in his place? Who among us would then be content with the counsels of patience and delay?

100 years of delay have passed since President Lincoln freed the slaves, yet their heirs, their grandsons, are not fully free. They are not yet freed from the bonds of injustice. They are not yet freed from social and economic oppression, and this Nation, for all its hopes and all its boasts, will not be fully free until all its citizens are free.

We preach freedom around the world, and we mean it, and we cherish our freedom here at home, but are we to say to the world, and much more importantly, to each other that this is a land of the free except for the Negroes; that we have no second-class citizens except Negroes; that we have no class or cast system, no ghettos, no master race except with respect to Negroes?

Now the time has come for this Nation to fulfill its promise. The events in Birmingham and elsewhere have so increased the cries for equality that no city or State or legislative body can prudently choose to ignore them.

The fires of frustration and discord are burning in every city, North and South, where legal remedies are not at hand. Redress is sought in the streets, in demonstrations, parades and protests which create tensions and threaten violence and threaten lives.

We face, therefore, a moral crisis as a country and as a people. It cannot be met by repressive police action. It cannot be left to increased demonstrations in the streets. It cannot be quieted by token moves or talk. It is a time to act in the Congress, in your State and local legislative body and, above all, in all of our daily lives.

MORE

It is not enough to pin the blame on others, to say this is a problem of one section of the country or another, or deplore the fact that we face. A great change is at hand, and our task, our obligation, is to make that revolution, that change, peaceful and constructive for all.

Those who do nothing are inviting shame as well as violence. Those who act boldly are recognizing right as well as reality.

Next week I shall ask the Congress of the United States to act, to make a commitment it has not fully made in this century to the proposition that race has no place in American life or law. The Federal Judiciary has upheld that proposition in a series of forthright cases. The Executive Branch has adopted that proposition in the conduct of its affairs, including the employment of Federal personnel, the use of Federal facilities, and the sale of Federally financed housing.

But there are other necessary measures which only the Congress can provide, and they must be provided at this session. The old code of equity law under which we live commands for every wrong a remedy, but in too many communities, in too many parts of the country, wrongs are inflicted on Negro citizens as there are no remedies at law. Unless the Congress acts, their only remedy is in the street.

I am, therefore, asking the Congress to enact legislation giving all Americans the right to be served in facilities which are open to the public -- hotels, restaurants, theaters, retail stores and similar establishments.

This seems to me to be an elementary right. Its denial is an arbitrary indignity that no American in 1963 should have to endure, but many do.

I have recently met with scores of business leaders urging them to take voluntary action to end this discrimination and I have been encouraged by their response, and in the last two weeks over 75 cities have seen progress made in desegregating these kinds of facilities. But many are unwilling to act alone, and for this reason, nationwide legislation is needed if we are to move this problem from the streets to the courts.

I am also asking Congress to authorize the Federal Government to participate more fully in lawsuits designed to end segregation in public education. We have succeeded in persuading many districts to desegregate voluntarily. Dozens have admitted Negroes without violence. Today a Negro is attending a State-supported institution in every one of our 50 States, but the pace is very slow.

Too many Negro children entering segregated grade schools at the time of the Supreme Court's decision nine years ago will enter segregated high schools this fall, having suffered a loss which can never be restored. The lack of an adequate education denies the Negro a chance to get a decent job.

The orderly implementation of the Supreme Court decision, therefore, cannot be left solely to those who may not have the economic resources to carry the legal action or who may be subject to harassment.

Other features will be also requested, including greater protection for the right to vote. But legislation, I repeat, cannot solve this problem alone. It must be solved in the homes of every American in every community across our country.

In this respect, I want to pay tribute to those citizens North and South who have been working in their communities to make life better for all. They are acting not out of a sense of legal duty, but out of a sense of human decency.

Like our soldiers and sailors in all parts of the world, they are meeting freedom's challenge on the firing line, and I salute them for their honor and their courage.

My fellow Americans, this is a problem which faces us all -- in every city of the North as well as the South. Today there are Negroes unemployed two or three times as many compared to whites, inadequate in education, moving into the large cities, unable to find work, young people particularly out of work without hope, denied equal rights, denied the opportunity to eat at a restaurant or lunch counter or go to a movie theater, denied the right to a decent education, denied almost today the right to attend a State university even though qualified. It seems to me that these are matters which concern us all, not merely Presidents or Congressmen or Governors, but every citizen of the United States.

This is one country. It has become one country because all of us and all the people who came here had an equal chance to develop their talents.

We cannot say to ten percent of the population that you can't have that right; that your children can't have the chance to develop whatever talents they have; that the only way that they are going to get their rights is to go into the streets and demonstrate. I think we owe them and we owe ourselves a better country than that.

Therefore, I am asking for your help in making it easier for us to move ahead and to provide the kind of equality of treatment which we would want ourselves; to give a chance for for every child to be educated to the limit of his talents.

As I have said before, not every child has an equal talent or an equal ability or an equal motivation, but they should have the equal right to develop their talent and their ability and their motivation to make something of themselves.

We have a right to expect that the Negro community will be responsible, will uphold the law, but they have a right to expect that the law will be fair; that the Constitution will be color blind, as Justice Harlan said at the turn of the century.

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This is what we are talking about and this is a matter which concerns this country and what it stands for, and in meeting it I ask the support of all of our citizens.

Thank you very much.

END

DEPARTMENT OF JUSTICE

CIVIL RIGHTS DIVISION

Enforcement of Court Desegregation Orders

UNIVERSITY OF ALABAMA

United States v. Wallace -- 144-100-1-8

Files of John Doar

Work Notebook

Sat., May 25, 1963 THE TUSCALOOSA NEWS

Rose Says UA To Face Crisis With Dignity

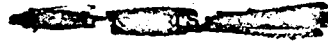
WASHINGTON (AP) — The University of Alabama will meet its forthcoming desegregation crisis with "dignity and integrity" says its president, Frank A. Rose.

At an alumni banquet Friday night Rose promised to "exercise all the leadership at my command," to see that the University comes through the crisis with honor.

The University is under a federal court order to admit two Negroes on June 10. Alabama Gov. George C. Wallace has vowed he will personally prevent them from enrolling. A Justice Department suit asking the court to prevent Wallace from interfering will be heard June 3.

"It is tragic that any university gets caught between two powerful forces as the University of Alabama is now caught," said Rose. But he predicted: "The University will maintain its dignity, its integrity and our students will walk as honorable men and women."

DEPARTMENT OF JUSTICE



Enforcement of Court Desegregation Orders

UNIVERSITY OF ALABAMA

United States v. Wallace -- 144-100-1-8

Trial Files

Investigation

Court Rejects Alabama U. Entry Delay

BIRMINGHAM, Ala., May 21 (UPI)—A Federal judge refused today to delay the admission of two Negroes to the all-white University of Alabama and Gov. George C. Wallace set the stage for another "Ole Miss" crisis by vowing to block the enrollments with physical force, if necessary.

The Governor announced his stand at a news confer-

ence in Montgomery shortly after the ruling was handed down here by Judge H. Hobart Grooms.

Brushing aside reminders of the State's tense racial situation, Grooms rejected a motion that he postpone the admission of Vivian J. Malone, 20, of Mobile, and Dave M. McGlathery, 26, of Huntsville.

Miss Malone, the daughter of a retired Air Force employe, plans to attend the Main University at Tuscaloosa, and McGlathery, a mathematician in the Nation's space program, seeks entrance to the University's Extension Center at Huntsville. Both have applied for the summer term, starting June 10.

"As Governor, I am the highest constitutional officer of the State . . . I embody the sovereignty of this State and I will be present to bar the entrance of any Negro who attempts to enroll at the University of Alabama," the Governor declared in a prepared statement.

He referred to his stand as "legal resistance and legal defiance."

Reporters reminded Wallace of the situation that developed when Gov. Ross Barnett tried to turn James Meredith away from the University of Mississippi. Wallace was asked if he thought a similar situation would develop in Alabama.

"If you mean by defiance on the part of the Governor, yes," Wallace replied.

Wallace campaigned on the pledge to "stand in the school-house door" to prevent integration, and he was questioned whether his latest move was a fulfillment of that pledge.

"I will stand there and refuse to admit anyone who is not in the best interest of the health, welfare, safety and well-being of the State," Wallace replied.

Barnett's Actions

Gov. Barnett personally blocked the enrollment of Meredith on several occasions, and when the young Negro finally was escorted onto the campus by U. S. marshals, a wild night of rioting erupted. Two persons were killed and hundreds injured.

Grooms ruled last week that orders handed down by the Federal bench in 1955 ordering Negro coed Autherine Lucy admitted to the University of Alabama were still

binding on the school in its dealings with other Negro applicants, including Miss Malone and McGlathery.

Autherine Lucy became the first Negro in history ever to attend the University, but she was present on the campus only a few days. Her enrollment was accompanied by three days of rioting and she finally was expelled when she charged—but was unable to prove—that University officials conspired in the violence.

Today's Court hearing was for the purpose of having the school show cause why the Dean of Admissions should not be held in contempt for not admitting Miss Malone and McGlathery. The Univer-

sity had originally taken the stand that since the present dean was not named in the 1955 desegregation order, the order was not binding upon him.

University Agrees

Before this facet of the case was pursued further, however, the University announced it had agreed to admit Miss Malone and McGlathery. It asked the Court to delay the admissions until "in the Court's opinion the present state of unrest in racial relations in the State of Alabama has materially improved."

University officials noted that 1200 State law enforce-

ment officers currently are stationed in Birmingham as the result of the recent racial disorders in that city. In addition, the Federal Government has moved into position 3000 troops to deal with any new trouble.

But Grooms refused to take "judicial notice" of this, explaining:

"The Governor has said he will maintain order in this State. I think that granting the motion would be tantamount to saying law and order had broken down."

Wallace said at his news conference that he would appeal Grooms' decision of today, but refused to discuss details of the appeal.

United States District Court

FOR THE
Northern District of Alabama

Western Division

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE C. WALLACE,

Defendant.

CIVIL ACTION FILE NO. CA-63-253

No.

To

MR. HUGH SMITH
GENERAL MANAGER
STATION WGGT - RADIO & TELEVISION
MONTGOMERY, ALABAMA

YOU ARE HEREBY COMMANDED to appear in the United States District Court for the
 NORTHERN District of ALABAMA
 at Courthouse #1, Post Office Bldg. in the city of BIRMINGHAM, ALABAMA on
 the 3rd day of JUNE 19 63 at 10:00 o'clock A. M. to
 testify on behalf of Plaintiff

in the above entitled action and bring with you : Any audio tapes or other sound transcripts
 of a news conference held by George C. Wallace on May 21, 1963, in Montgomery, Alabama.

May 29

19 63

Walter L. Weaver
 MACON L. WEAVER, United States Attorney
 Attorney for Plaintiff
 Birmingham, Alabama
 Address

William E. Davis
 By *William E. Davis* Clerk
 Deputy Clerk.

RETURN ON SERVICE

Received this subpoena at _____ on _____
 and on _____ at _____
 served it on the within named _____
 by delivering a copy to him and tendering to him the fee for one day's attendance and the mileage
 allowed by law.¹

Dated: _____

_____, 19____

By _____

Service Fees

Travel _____\$

Services _____

Total _____\$

Subscribed and sworn to before me, a
 day of _____, 19____

this

¹ Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or
 agency thereof. 28 USC 1825.

NOTE.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

United States District Court

FOR THE

Northern District of Alabama for payment of attendance fees.

Western Division

CIVIL ACTION FILE NO. CA 62-253

UNITED STATES OF AMERICA,

Plaintiff,

vs.

GEORGE C. WALLACE,

Defendant.

No.

To

MR. RAY BUTTS
NEWS AND PROGRAM DIRECTOR
STATION WCOV
MONTGOMERY, ALABAMA

YOU ARE HEREBY COMMANDED to appear in the United States District Court for the
NORTHERN District of ALABAMA
at COURTHOUSE #1, POST OFFICE BLDG. in the city of BIRMINGHAM
the 3rd day of JUNE 19 63 at 10:00 o'clock A. M. to
testify on behalf of PLAINTIFF

in the above entitled action and bring with you: Any written statements or news releases in
your possession, custody, or control, made or issued by George C. Wallace on May 21, 1963.

May 29, 1963

WACON L. BRAVER, United States Attorney
Attorney for Plaintiff
Birmingham, Alabama
Address

By M. Clair Thorne Clerk.
Deputy Clerk.

RETURN ON SERVICE

Received this subpoena at _____ on _____
and on _____ at _____
served it on the within named _____
by delivering a copy to him and tendering to him the fee for one day's attendance and the mileage
allowed by law.

Dated: _____, 19____

By _____

Service Fees _____
Travel _____\$
Services _____

Total _____\$

Subscribed and sworn to before me, a _____ this _____
day of _____, 19____

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or
agency thereof. 28 USC 1825.

NOTE.—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

United States District Court

FOR THE
NORTHERN DISTRICT OF ALABAMA WESTERN DIVISION

CIVIL ACTION FILE NO. CA 62-255

UNITED STATES OF AMERICA,
Plaintiff,
vs.
GEORGE C. WALLACE,
Defendant.

No.

To

MR. CHARLES E. COX
NEWS DIRECTOR
STATION WFLA - TV
MONTGOMERY, ALABAMA

YOU ARE HEREBY COMMANDED to appear in the United States District Court for the
NORTHERN District of ALABAMA
at COURTHOUSE #1, POST OFFICE BLDG. in the city of BIRMINGHAM
on the 3rd day of JUNE 19 63 at 10:00 o'clock A. M. to
testify on behalf of Plaintiff

in the above entitled action and bring with you : Any written statements or news releases in
your possession, custody or control, made or issued by George C. Wallace on May 21, 1963.

May 29 19 63
Macon L. Weaver, United States Attorney
Attorney for Plaintiff
Birmingham, Alabama
Address

WILLIAM E. DAVIS
By *Lister H. Jones* Clerk.
Deputy Clerk.

RETURN ON SERVICE

Received this subpoena at _____ on _____
and on _____ at _____
served it on the within named _____
by delivering a copy to h _____ and tendering to h _____ the fee for one day's attendance and the mileage
allowed by law.

Dated: _____, 19____

By _____

Service Fees
Travel _____\$
Services _____

Total _____\$

Subscribed and sworn to before me, a _____ this
day of _____, 19____

* Fees and mileage need not be tendered to the witness upon service of a subpoena issued in behalf of the United States or an officer or
agency thereof. 28 USC 1825.

NOTE—Affidavit required only if service is made by a person other than a United States Marshal or his deputy.

THE PARTY ON WHOSE BEHALF YOU ARE EXPECTED TO TESTIFY, IS
RESPONSIBLE FOR YOUR WITNESS FEE, AND NOT THE CLERK OF THIS COURT.

TO HIS EXCELLENCY, GOVERNOR GEORGE C. WALLACE:

WHEREAS, in the opinion of many of our best citizens the Supreme Court of the United States has contrary to law and long established and time tested precedents done great violence to the Constitution of the United States and thereby largely destroyed States Rights and State Sovereignty and as a consequence property rights and personal liberties are daily being ignored and trespassed on and anarchy is being encouraged and criminals and violators of the law are wantonly being liberated by United States Courts without consideration of the facts or of the wrongs they have done; and,

WHEREAS, long experience has taught the people of the South that separation of the races is in keeping with the finest traditions of this Nation and we wholeheartedly subscribe to this sentiment and have unsuccessfully fought for this principle throughout all the courts; and

WHEREAS, the President of the United States has publicly announced that it will be necessary for him as President to support and uphold the dignity of the United States Courts with the armed forces of the United States and that in Mississippi and elsewhere it has been learned with great sorrow that U. S. Troops are now composed of at least one third Negro troops and to have a large number of Federal Troops in our midst is unthinkable and would be deplorable; and

WHEREAS, it is the sense of this meeting that we should do everything reasonably required to keep troops out of our community and away from the University; and

WHEREAS, an overwhelming majority of the business, labor, industrial, agricultural, and professional interests of the State of Alabama realize that our state institutions have exhausted their legal remedies, and that there is no lawful alternative to compliance with the decree of the United States Court now pending in the case of Vivian Malone, et als v. Robert R. Tate, Dean of Admissions of the University of Alabama. These interests strongly approve your announced determination to maintain law and order at all times; and

WHEREAS, the undersigned, who are representatives of the interests named above in Tuscaloosa County, believe that it is imperative that control of our institutions of higher learning remain without interruption under the direction of the constituted authorities of the State of Alabama. We further believe that the industrial life, job opportunities, and success of the business enterprises of this community, and indeed the well-being of every man, woman, and child in Tuscaloosa County, will be imperiled and will be greatly jeopardized by open defiance to the enforcement of the judgment of the United States Court.

THEREFORE, we respectfully petition you to assist the officials of the University in maintaining peaceful conditions at the University of Alabama in Tuscaloosa and at each of its extension centers, and that you continue in your resistance to the integration of our school by the use of whatever legal redress you choose to seek, but we respectfully urge that you do not carry out your announced intention of personally and physically interfering with the order of the United States Courts. Compliance on your part will preserve and project the good name of Alabama and demonstrate to the nation and the world that your people are dedicated to the established and prevailing American way of life.

Respectfully submitted,

TRANSCRIPTION OF TAPE MADE OF "MEET THE
PRESS" TELEVISION SHOW, 6:00 P.M. TO
6:30 P.M. OVER NBC - TV, CHANNEL FOUR,
WASHINGTON, D. C. PROGRAM ORIGINATED
IN NEW YORK

June 2, 1964

MR. BROOKS: This is Nat Brooks inviting you to "Meet the Press." Meet the Press, America's press conference of the air and winner of every major award in its field, is brought to you by the Washington Gas Light Company. Our guest tonight is Governor George C. Wallace of Alabama. His state is the only one in the country today whose schools are completely segregated. Next week the issue heads for a climax when two Negro students will seek to enroll at the University of Alabama. Governor Wallace has been quoted as saying that he will personally bar their entrance despite a Federal Court order and a threat of Federal troops. Governor Wallace, who is now serving his first term, was elected by the largest vote his state has ever given to a gubernatorial candidate. We will start the questions now with Lawrence E. Spivak, permanent member of the "Meet the Press" panel.

MR. SPIVAK: Governor, there have been a great many--there have been a great many newspaper reports of what you will and what you will not do to bar the two Negro students from entering the University of Alabama. Will you tell us exactly what you will and will not do and tell us in your own words.

GOV. WALLACE: Well, Mr. Spivak, of course I have stated many times that the action that I am going to take in Tuscaloosa on June the 10th is for the purpose of testing and raising constitutional questions involving the sovereign of the State of Alabama and the central Government in the Federal Courts. I am going to take no action that would not be in keeping with the dignity and integrity of the people of Alabama.

MR. SPIVAK: Well what exactly will you do? You said at one time, I believe, or at least were quoted as saying, that you would stand at the door and bar them. Now two marshals probably or more will come with these students. Will you prohibit them from crossing the door?

GOV. WALLACE: Why, of course, I shall stand at the door as I stated in my campaign for Governor, but of course as the Governor of the state embodying

the sovereignty of the state. It will not be as an individual standing in the door, but as the people of Alabama and in my judgment, we can raise some constitutional questions that can then be adjudicated by the courts.

MR. SPIVAK: Well, Governor, once you've kept those students from registering and the marshals leave with them, the only thing the President has left to do is to send the boys back again as he did in--boy and girl back again as he did in Mississippi with troops. Are you going to stop the troops from bringing those people in?

GOV. WALLACE: Well, of course, no one can stop troops from doing anything as you know, and of course I do not know what the President will do, but I feel that when this question is raised that it should be adjudicated in the courts. I will make this statement, Mr. Spivak, that absolute law and order will prevail at the University of Alabama as it has prevailed in Birmingham because we in Alabama are not going to tolerate any action such as mob action. In fact, the people of Alabama are not so inclined.

MR. SPIVAK: Governor, in your judgment, can these two students be enrolled without the use of troops in Alabama?

GOV. WALLACE: Well, let me say this that everything that happens at the University of Alabama is going to be peaceful and serene. We are not going to have any violence at all and, of course, it remains to be seen as to what action will be taken by the Justice Department of the central Government at that time.

MR. SPIVAK: Governor, the question I asked, however, was can these students be enrolled at the University of Alabama without the use of troops?

GOV. WALLACE: Well, that remains to be seen. We do not want troops at the University of Alabama nor in the state because domestic tranquility will prevail and there will be no need for troops.

MR. SPIVAK: Well, does that mean that the students will or will not be enrolled, Governor?

GOV. WALLACE: Well, I'm not sure about that. We may win our case in the court when I raise these constitutional questions that I intend to raise involving the Governor of Alabama.

MR. SPIVAK: But I'm talking about June 10th, when they're coming to be enrolled. Will they be--can they be enrolled without the use of troops?

GOV. WALLACE: Well, of course, I--we'll just have to wait and see exactly what transpires on that occasion. I will say we're going to keep law and order.

MR. SPIVAK: Governor, you speak a good deal about law and order and about constitutional rights. You were served, I believe, a subpoena on your way to New York today, at least the press reports that. Are you going to appear tomorrow in court?

GOV. WALLACE: I don't know that I have received any action that I consider legal service in any court matter pending, but I will be represented specially tomorrow by attorneys in the court. There's no necessity for my being physically present anyway.

MR. BROOKS: We'll be back with "Meet the Press" and questions for our guest, Governor George Wallace of Alabama. First, this message. (Commercial) Now resuming our interview. Our guest today is Governor George C. Wallace of Alabama,

central figure in a new dispute over racial segregation. You have just met Lawrence E. Spivak, permanent member of our panel. Our other reporters today are Anthony Lewis of the "New York Times," Vermont Royster of the "Wall Street Journal," and Frank McGee of NBC News. We will continue the questions now with Mr. Lewis.

MR. LEWIS: Governor, you've just said several times that you want to get these constitutional questions adjudicated in the courts. As a lawyer and a former judge, you must know that the question of the supremacy of the Federal Constitution has been in the courts and been adjudicated dozens of times since this country was founded and the supremacy of the Constitution has always prevailed, most recently in Little Rock, Arkansas, and Oxford, Mississippi. In light of that, what is your real purpose in what you're doing? Are you there as a political gesture to try to arouse violence, or what--what is your purpose?

GOV. WALLACE: Well, Mr. Lewis, in the first place, let me

tell you that I'm not there to arouse violence because my attitude and the action that I took in the Birmingham matter indicates that I am against violence and I am against violence in a matter of this sort. Plessy vs. Ferguson many years ago was decided in favor of separate but equal facility doctrine. But constant efforts by those who oppose this interpretation wound--resulted in the Brown Case. So I see no reason why we who, on the Plessy vs. Ferguson side that is separate but equal facility doctrine, should not continue to raise questions and the court itself might decide to change its mind as it did in the Brown case.

MR. LEWIS: What exactly is the constitutional proposition that you are going to make.

GOV. WALLACE: The constitutional question involves the State of Alabama and of course Article III in Section 2 says that any dispute between the states and the central Government shall be adjudicated by the entire Supreme Court. Now we are raising the basic inherent question can the State of

Alabama run its school system as it has always run--as it has always run its school system, or shall the Federal Courts and the Justice Department of the Central Government run the schools of Alabama over which we say they had no control under the law until 1954.

MR. LEWIS: Does that come down to this, that in your view, if you prevailed, we would not have one Constitution interpreted by one Supreme Court for all fifty states, but that each state would have the right in the area of schools or some other area when that came along to interpret the Constitution as it saw fit and apply its own rule in that state?

GOV. WALLACE: No, that's not the case at all. We are just raising the constitutional question for the courts--the Federal Court system of the land, and they may change and rule in our favor. They did rule in our favor in the South for many years and then changed in 1954. Why should not we continue, in fact in the Savannah Case the other day in Georgia, a Federal Court ruled for the first time since 1954 that it is harmful to Negro and white children to integrate them into the school

system.

MR. LEWIS: That decision was reversed the next day, I think.

GOV. WALLACE: That's right.

MR. LEWIS: By the Court of Appeals for the Fifth Circuit.

GOV. WALLACE: By the Court of Appeals, but it hasn't gone yet to the Supreme Court and the next case that we raise, they may rule in our favor.

MR. BROOKS: Mr. Royster.

MR. ROYSTER: Governor, so far we have touched on the legal questions involved here--question of state's rights. Now I know of no rights that do not have that concomitant responsibilities. Do you think that the State of Alabama or any government for that matter is acting responsibly when it arbitrarily denies to a third of its citizens the right to vote or the right to use public facilities such as a university which the taxes of all the citizens have provided?

GOV. WALLACE: Well, of course, if we precluded the use of public facilities by one third of our population, that would be true. If we precluded one third of our citizens from voting, that would be

true. But Negroes vote all over Alabama in great numbers and public facilities are not precluded to their use. In fact, we have some of the finest public institutions for education for the colored race in Alabama that exist in the country. In fact, Tuskegee Institute is in that state and we give them over \$500,000 a year--

MR. ROYSTER: Now, Governor, in Alabama the state and its political subdivisions use public funds to build highways and streets. You don't deny the Negroes the right to walk these streets-- you don't have separate streets for white people, separate streets for Negroes. Now how do you distinguish between treating them equally on the sidewalk but not equally on the public walk of a garden or in the public corridor of the University of Alabama--what is the distinction?

GOV. WALLACE: We feel that it is in the best interest of white and colored to have separate school facilities and the Supreme Court of the United States so recognized for many years and we do provide facilities for education.

In fact, the school teachers of Alabama--the Negro teachers average more pay in Alabama than whites.

MR. ROYSTER: I'm trying to get at this distinction. Now in Alabama you have all the usual taxes that all the states levy -

GOV. WALLACE: That's right.

MR. ROYSTER: Specifically a 3 per cent sales tax. Now do you discriminate in this tax? In other words, when a Negro walks into a store to buy something, do you raise a color bar and sell--and deny him the right to pay his taxes in order to help support the University of Alabama?

GOV. WALLACE: No sir.

MR. ROYSTER: Do you discriminate here?

GOV. WALLACE: No sir, we do not, do not do that and we do not discriminate in providing funds for Negro education. We do not discriminate in providing funds for old age pensions and treatment in mental institutions and tubercular institutions. In fact, the colored race in Alabama gets its fair share of the tax dollar.

MR. ROYSTER: In other words, you think it is a responsible government to deny the University of Alabama

to one third of your citizens. That's what it comes down to.

GOV. WALLACE: I feel that the State of Alabama--

MR. BOYSTER: You think it's responsible government.

GOV. WALLACE: Oh yes, I think it's responsible government for Alabama to be able to provide separate but equal school facilities for its citizens.

MR. MC GEE: Governor Wallace, isn't it possible that this constitutional question you speak of could be raised without your physically standing in the schoolhouse door and is it possible that you are hoping to have yourself arrested?

GOV. WALLACE: No, I'm not hoping to have myself arrested at all, but I made a commitment in the campaign for Governor that I would do this and I feel that this is a good way and a dramatic way.

MR. MC GEE: Could it be done any other way, sir?

GOV. WALLACE: Well, it may be done in some other ways, I'm not sure about that.

MR. MC GEE: Could it be done, sir?

GOV. WALLACE: But I think it is the dramatic way to impress upon the American people this omnipotent march of centralized Government is going to destroy the rights and freedom and liberty of the people of this country if it continues and we in Alabama intend to resist this centralized control where they now tell us who you can eat with and who you can sit down with and swim with, who you can sell your house to and this is the great constitutional principle on which we stand in Alabama.

MR. MC GEE: Sir, if it comes to it and you are told by some representative of the Federal Government that you

are under arrest, will you accept this and go peacefully?

GOV. WALLACE: Of course, if I am ever arrested by the Federal Government, I'll go peacefully. There has never been any intention to resist and to fight the Federal forces with force. That's the, the people of this country have been victimized by the press. I have never made any statement or indicated at all that I intended to fight with bottles and rocks and guns. I am against that as much as you or anyone else.

MR. MC GEE: Sir, if you, have you in anyway, through issuing public statements or in press conferences let the people of Alabama know that you do not want them present in Tuscaloosa that day that you would like them to stay at home?

GOV. WALLACE: During the campaign for Governor of Alabama I said I'm not talking about violence. I'm against violence. I made a speech the other day, I made several statements in which I have asked the people to stay away from the University campus; I do not want them there, I am going to stand for them because I represent them. I do not want anyone present at the University of Alabama

campus except authorized persons and that will be the case. We're not going to have any violence at the University of Alabama on June 10.

MR. MC GEE: If it should happen Governor Wallace, that between now and June 10 there should be a preponderance of mail from the people of Alabama to you saying either one of two things, that they disagree with your stand or absolve you from the commitment that you made during your campaign, would you be willing to abide by their wishes?

GOV. WALLACE: Well listen, I've already got a preponderance of mail that stands with my stand and the legislature of the State has already passed a resolution unanimously in which they say they stand with Governor Wallace of Alabama and I shall do that which I said I would do but let me again say there is not going to be any violence; the first man that throws a rock, a brick, a bottle will find himself arrested regardless of who he or she happens to be.

MR. MC GEE: You and Mississippi Governor Ross Barnett are very close, Governor Wallace.

GOV. WALLACE: That's correct.

MR. MC GEE: I think you're going to attend a fund raising dinner June 17 for a new State's Rights party. May I ask you frankly if you have any hope of being that party's candidate for President?

GOV. WALLACE: Well, Frank, of course, I have no illusions about a Southerner, you know there is a lot of prejudice and bias against a Southerner.

MR. MC GEE: But as a means of political leverage, Governor Wallace?

GOV. WALLACE: Let me say this, that we, I am not talking about any third party, we're talking about independent electors within the existing Alabama and Mississippi democratic parties and there's a great difference.

MR. SPIVAK: Governor, you've been pretty forthright in many of your statements, I wonder why you won't answer my question about whether or not those two students can be enrolled without the use of troops.

GOV. WALLACE: Well, of course, these happenings are new to the American people, the business of forcing people into universities where the people do not want them to attend and wish that they would attend a separate but equal facility school, and I'm not sure what's going to happen other

that I intend to stand and raise these constitutional questions and I intend to keep peace and tranquillity.

MR. SPIVAK: Well now, you keep peace and order, you're not going to use force against them.

GOV. WALLACE: No, sir.

MR. SPIVAK: How then, can you keep them from being registered? and will you keep peace and order after they are registered?

GOV. WALLACE: We're going to keep peace and order at all times in Alabama because we know that's in the best interest of all the people of our state whether they be white or black.

MR. SPIVAK: Well, if I interpret you rightly, then, that after you've made your stand and raised the legal questions, these students are going to be admitted and there will not be the same situation as prevailed in Mississippi. There will be no rioting, your own police are going to take care of the matter. Is that correct?

GOV. WALLACE: Let me say this, that we're going to have peace if that's what you mean, but for me to know exactly what's going to happen at the University of Alabama when this is something that we haven't had to happen but one time, I'm not exactly sure, other than what I'm going to do.

MR. SPIVAK: In short, you're not sure that if they are, if the admission is forced, that you can keep peace and order and you're not sure that the Army is going to be needed.

GOV. WALLACE: I'm not sure about whether they will bring the Army in, I'm sure that we will keep peace. I'm not sure what the Kennedys will do. I do know that they sent troops to Alabama, when 69 people were hurt in 45 days of rioting, and 485 people were hurt in Washington in the twinkling of an eye at one football game, but no troops were sent, I do know that troops were not sent to Illinois the other day when 5,000 stoned the policemen and I do know they haven't sent troops to North Carolina nor to Florida, but it is not good politics to send them to Florida and to Michigan and to Illinois, its good politics though to send them to a deep southern state.

MR. SPIVAK: Governor, isn't it true that the trustees of the University have agreed to admit these, this boy and this girl, why are you so adamant?

GOV. WALLACE: They agreed to admit under compulsion and under force and they were under an injunction and, of course, the Federal courts would not hesitate

to jail a lesser official and I don't feel it maybe was their responsibility to subject themselves to severe penalties and to severe fines but I do know they do not want them admitted to the University of Alabama but were forced to by the court order.

MR. LEWIS: Governor, you said just now that Negroes vote all over Alabama and yet just a few years ago, some graduates of Tuskegee Institute which you just mentioned in a praise worthy way, a great many graduates were refused permission to vote on account of the color of their skin, and it was only when a Federal Judge said that they must be admitted to vote that they were. Do you really think that people can vote regardless of color in Alabama without the help of the Federal Courts?

GOV. WALLACE: Oh they certainly can. They register every day without the help of Federal Courts. We don't have any Utopia in Alabama, neither do you have it here in New York City where you can't even walk in Central Park here at night without fear of being raped, or mugged or shot; and you know this program was held here in New York and I think it was better to hold it here in New York for many reasons, so we don't have any Utopia

but people do vote and I will say that we've had violations of the law over the country but Negroes do vote in Alabama all over the state.

MR. LEWIS: Another thing you said just now in the same sort of connection is the provision of separate but equal facilities by Alabama. Now isn't it a fact that through most of this century, after the Supreme Court decision of which you spoke, the facilities in Alabama and all other southern states were vastly unequal, that in fact the average expenditure for Negro schools was about a half or a third of that for white schools and it was only when the threat of integrated schools appeared when the Supreme Court

GOV. WALLACE: No.

MR. LEWIS: was plainly heading in that direction that you changed.

GOV. WALLACE: That's not the case. We didn't have the right kind of school system for white or colored for the simple reason that we had been discriminated against for a hundred years with freight rate inequities and Pittsburg plus and all the people of the South were poor, but every new

industry that has come to Alabama, the South, in the last number of years has come as a result of the efforts of southerners, including myself, and we have \$125,000,000 worth of new industry that's come to Alabama and every white and black man who gets a job in one of these new industries owes it to his state Government. We're working for more jobs for our people in that state, and.

NED BROOKS: Mr. Royster, excuse me, Mr. Royster.

MR. ROYSTER: Governor, I apologize for coming back to the small question, but I think it is one that troubles a good many people around the country, now I believe you are very active in the Baptist Church.

GOV. WALLACE: No, Methodist Church, but I have no objection to the Baptist Church, I married a Baptist.

MR. ROYSTER: But I assume then that you believe that the Negroes in the South are human beings created by God.

GOV. WALLACE: Of course they are. I said so in my campaign address, it wasn't reported.

MR. ROYSTER: Do you think they should be discriminated in a church, that is they should go to a separate church or should they be allowed to come into the white church?

GOV. WALLACE: I feel that there's nothing immoral or sinful or irreligious about separate churches and separate school facilities if this separation is based on what we believe in our hearts to be in the best interests of all concerned.

MR. ROYSTER: Now when you say we, you're talking about,

GOV. WALLACE: The people of Alabama, that's who.

MR. ROYSTER: But when, you're talking about the white people.

GOV. WALLACE: The white people of Alabama.

MR. ROYSTER: One third of your citizens are Negro people.

GOVERNOR WALLACE: I believe there are many of these one third that you're talking about, and I would say a majority that would rather go to church in their churches and school in their schools.

MR. ROYSTER: But you think it's right to require them to do so.

GOVERNOR WALLACE: Well, I don't know about churches, how they require that's not any governmental function involved in churches, but I do think,

MR. ROYSTER: Well, now, why do you think it's moral to require it in the State University?

GOVERNOR WALLACE: Because I think it's in the best interests of both races to have separate schools and I think that's for obvious reasons. Might I say also Mr. Royster, that in my address, inaugural address, the last statement I made was that I pray to God that he will bless all the people of this state, white and black. Of course, that wasn't reported in the press.

MR. BROOKS: Gentlemen, we have about two minutes remaining.

MR. McGee: Governor, you have constantly vowed your defiance of Federal courts which you called, among other things, irresponsible and lousy, yet, when President Kennedy ordered Federal troops into Alabama for possible use in Birmingham you went into a Federal court seeking an order to have them withdrawn.

GOV. WALLACE: That's correct.

MR. MC GEE: Now isn't this inconsistent or would you only obey the court order with which you agreed.

GOV. WALLACE: No, that's not inconsistent, Mr. McGee. Let me say that the court in addition to the proper use of its judicial function has improperly set itself up as a third house of Congress, a super legislature, as one of the Justices called it, reading into the Constitution words and implications which are not there. We have therefore reached the point as a nation when we must take action to save the Constitution of the court and the court from itself. Our difficulty with the court today rises not from the court as an institution but from human beings within it. That's Mr. Franklin Roosevelt's statement in 1937 and I concur in it.

MR. MC GEE: Well, do you concur with all Federal court orders or just some, Governor?

GOV. WALLACE: Oh, I concur with many Federal court orders

MR. MC GEE: Do you concur with all of them, Governor, or just some or many?

GOV. WALLACE: Oh I do not agree with many Federal Court orders.

MR. MC GEE: Do you concur and obey them though?

GOV. WALLACE: Oh of course we obey them and I haven't said that I was going to disobey a Federal Court order for defiance sake but for the purpose of testing--testing. As the Governor of the State of Alabama, I have the right to test in the courts the validity of this order involving our school system.

MR. BROOKS: Mr. Lewis.

MR. LEWIS: Governor, following what you say, if you are under a final order of that court in Alabama not to interfere with the registration, are you going to obey that order or are you going to go ahead and interfere anyway?

GOV. WALLACE: I'm going to take the action that I told you that I was going to take on June the 10th. That will raise the question involving the Governor of Alabama and the Federal Courts.

MR. LEWIS: Why raise it by standing there physically

when there's a law suit. You're a lawyer.
Don't you believe in settling these things
through law suits?

GOV. WALLACE: Because I promised the people of my state
I would do that and I feel that I want to
do it and I'm convicted in that regard and
I shall do so.

MR. BROOKS: Mr. Spivak.

MR. SPIVAK: Governor, would--is there any chance at
all of mediating this issue? Would you be
willing to meet with the proper authorities
for the purpose of coming to some sensible
peaceful solution?

GOV. WALLACE: I would be--well it's going to be a peaceful
solution. We're not going to have any
violence but I would not meet with anyone
for the purpose of agreeing to integration.

MR. BROOKS: Mr. Royster.

MR. ROYSTER: Governor, if I understand you right, you seem
to be advocating the sort of deadend position
here. That is, that in the State of Alabama
the Negro will not under any circumstances be
allowed to enter a white university like the

University of Alabama. In this case, Governor, what do you see as the long future of race relations in the State of Alabama?

MR. BROOKS: Gentlemen, I'm afraid that question would involve too much of a scope for the time we have left. I'm sorry to interrupt, but I see that our time is up. Thank you very much, Governor Wallace, for being with us. I'll tell you about next week's guest on "Meet the Press" after this message.